

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MEARS Technologies, Inc.,

Plaintiff,

v.

FINISAR CORPORATION,

Defendant.

Civil No. 2:13-CV-00376

PLAINTIFF'S PRELIMINARY INFRINGEMENT CONTENTIONS

As shown in the attached infringement chart, Mears is alleging literal, direct infringement of claims 1, 10, 13 and 16 for Finisar's WaveShaper wavelength selective switch products, including models 1000E and 4000E, and products containing them, *e.g.*, ROADM line cards. The asserted patent is entitled to a priority date of at least September 30, 1994. The following table identifies the documents responsive to the categories under P.R. 3-2.

(a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102;	None
(b) All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to P. R. 3-1(e), whichever is earlier; and	MEARS 143
(c) A copy of the file history for each patent in suit	MEARS 1-129

Date: August 22, 2013

/s/ Steven R. Pedersen

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JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2013, I caused a copy of *PLAINTIFF'S PRELIMINARY INFRINGEMENT CONTENTIONS* and this Certificate of Service, to be served upon the following individuals as indicated below.

Via Email & First Class Mail

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